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GOVERNMENT OF PUNJAB

DEPARTMENT OF LOCAL GOVERNMENT
(LOCAL GOVERNMENT-2 BRANCH)

NOTIFICATION

The 21st April, 2020

No.5/91/2014(29)-3LG2/501.- In exercise of the powers conferred by clause (xiii) of sub-section (1) of section 73 of the Punjab Town Improvement Act, 1922 (Punjab Act No.4 of 1922), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab Town Improvement (Utilization of Land and Allotment of Plots) Rules, 1983, namely:-

RULES

1. (1) These rules may be called the Punjab Town Improvement (Utilization of Land and Allotment of Plots) (Amendment) Rules, 2020.
(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.
2. In the Punjab Town Improvement (Utilization of Land and Allotment of Plots) Rules, 1983 (hereinafter referred to as the said rules), for the word "auction" wherever occurred, the word "e-auction" shall be substituted.
3. In the said rules, in Rule 7, for sub-rule (4), the following sub-rule shall be substituted, namely:-
"(4) In case the area of plot is found more than the size of allotted plot, due to some technical error in measurements or otherwise, and the excess area -
(i) is lesser than the size of an independent plot, matching the size of the plot or of any other size, so carved out in Scheme in such area; and
(ii) it cannot be used as a plot of some other size in such area; and
(iii) it cannot be used for any other purpose, it may be allotted to the person with whose plot such excess area adjoins, at a price, which shall be at the market value at the time of allotment of such excess area or the allotment price, whichever is higher."

4. In the said rules, in rule 11, for sub-rule (3), the following sub-rule shall be substituted, namely:-
 "(3) No application under sub-rule (2), shall be considered complete for a residential plot, multi-storeyed house or commercial plot, as the case may be, unless it is accompanied with the earnest money by a bank draft payable in favour of the Trust, of such amount as specified below, namely:-
 (i) rupees fifty thousand, in the case of a residential plot or multi-storeyed house; and
 (ii) rupees one lakh or two percent of the reserve sale price, whichever is higher, in the case of a commercial plot."
5. In the said rules, in rule 13,
 (i) for sub-rule (10), the following sub-rule shall be substituted, namely:-
 "(10) The allottee or the transferee, as the case may be, shall complete the construction, after getting the building plan approved from the competent authority, within a period of three years from the date of possession of the plot, failing which the Trust may resume the plot. However, the said period may be extended, on year to year basis, subject to a maximum further period of twelve years, on written request and on payment of fee, which shall be percentage of the sale price under rule 6 [applicable on the first day of such extension] or percentage of e-auction price in case of allotment through e-auction, as the case may be, as specified in the table given below:-

TABLE

Number of year from which fee is to be charged	Percentage of sale price under rule 6 applicable, on the first day of such extension, or percentage of auction price, in case of allotment through e-auction, as the case may be
4th year	Two per cent
5th year	Two per cent
6th year	Two and half per cent
7th year	Two and half per cent
8th year	Two and half per cent
9th year	Three per cent
10th year	Three per cent
11th year	Three and half per cent
12th year	Three and half per cent
13th year	Four per cent
14th year	Four per cent
15th year	Four per cent

Provided that-

- (a) no fee shall be charged for extending the period of construction, if the land is allotted to any department of the State Government or the Central Government or any Public Sector Undertaking of the State Government or the Central Government;
- (b) fee at the rate of fifty percent shall be charged if the plot is owned by a woman or a Senior Citizen of the age of sixty years and above (fifty percent fee shall be charged for the years subsequent to attaining sixty years of age)

(c) if the allottee does not pay the fee as specified above, in the year it falls due, then ten percent interest on the fee for the elapsed period shall be charged; and

(d) the fee as specified above shall be charged yearly commencing from the 1st day of January to 31st December of the relevant year"; and

(ii) for sub-rule (12), the following sub-rules shall be substituted, namely:-

"(12) An appeal against resumption order under sub-rule (11) shall lie with the State Government, which may be made within a period of sixty days from the date of receipt of copy of the order of resumption. In case of acceptance of appeal by the State Government, extension fee at the rate of five per cent per annum shall be chargeable. The fee for the period of extension shall be paid by the allottee or the transferee, as the case may be, within a period of thirty days from the due date and if paid late, penal interest at the rate of eighteen per cent per annum, be charged for the delayed payment. The State Government may decrease the rate of extension fee or exempt it in deserving or genuine cases for a particular period, such as -

(i) the period during which the serving soldiers and officers of the Armed Forces are posted at non-family stations, the fee in case of residential plots shall be waived-off after due consideration for the purpose of constructing building on the said plot; or

(ii) the cases of legal heirs of the deceased, widows, unmarried women, war widows, next kin of Police and Para-military forces killed in action and allottees or their spouses suffering from chronic diseases (Cancer, Kidney Failure, Liver Failure, Mentally Challenged beyond fifty percent, invasive surgical intervention of Cardiac cases) due to which they were not able to carry out construction within stipulated period (Certificate given by Civil Surgeon of the District concerned where the allottee is resident, shall be considered) and the cases of officers or officials of the State Government and Public Sector Undertakings of the State Government who were required to serve outside the State of Punjab in accordance with their service conditions, shall be considered for waiving-off of extension fee only for Residential plots; or

(iii) the cases of allottees who have attained the age of sixty years on the date of non- construction fees becoming due for the first time or subsequently shall be considered for exemption for the years subsequent to attaining the age of sixty years.

(13) Notwithstanding anything contained in these rules, as a one time measure for the convenience of the allottees, if the non-construction dues are paid in lump sum within six months from the date of commencement of the Punjab Town Improvement (Utilization of Land and Allotment of Plots) (Amendment) Rules, 2020, the entire interest on the non-construction dues shall be waived off.

(14) Notwithstanding anything contained in these rules, as a one time measure, from the date of commencement of the Punjab Town Improvement (Utilization of Land and Allotment of Plots) (Amendment) Rules, 2020, three years of construction period shall be granted to all those plot owners, who have not yet constructed buildings on the plots as on the date of commencement of the Punjab Town Improvement (Utilization of Land and Allotment of Plots) (Amendment) Rules, 2020, subject to the condition that the plot owner shall pay fee for extension in accordance with this rule and in addition, at the rate of five percent of the sale price or auction price, as the case may be, per year beyond the period of fifteen years from the date of allotment.

Explanations:-

For the purposes of these rules, -

- (i) construction of one habitable room, kitchen, bathroom and water- closet along with taking of connection of water supply and electricity, in case of residential building; and
- (ii) raising of twenty-five percent constructions of the maximum possible coverage area, in case of commercial or any other type of building, shall be deemed to be a complete building."

SANJAY KUMAR, IAS

Additional Chief Secretary to Government of Punjab,
Department of Local Government.